IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE THIRTIETH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

and
THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT PETITION NO : 24045 of 2004

Between:

B.S. Mallesh S/o B. Sathaiah

Aged about 35 years,
R/o Medchal, Secunderabad

..... PETITIONER

AND

1 The Assistant Superintendent of Post Offices, Hyderabad North Sub-

Division, General Post Office, Abids, Hyderabad
2 The Senior Supdt. of Post Offices, Hyderabad City Division, GPO

Abids, Hyderabad

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, order or direction, especially, one in the nature of Writ of Certiorari calling for the records, the orders passed by Cntral Administrative Tribunal, Hyderabad Bench, Hyderabad in O. A. No. 998/2001 dt 17-7-2001 and to quash the same, consequently directing the respondents to keep the

petitioner's name in the waiting list as per the instructions in DGP&T letter NO. 43-4/77/PEN dt 23-2-1979 and provide alternate appointment as per his turn.

Counsel for the Petitioner:MR.CH.RAVINDER

Counsel for the Respondent Nos.1 and 2: MR.A.RAJASHEKAR REDDY (SC FOR CG)

The Court made the following :

ORDER: (per Hon'ble Mr.Justice G.Bikshapathy)

The Writ Petition is filed challenging the order passed by the Central Administrative Tribunal, Hyderabad in O.A.No.998/2001 dated 17-7-2001.

2. The petitioner filed the O.A. seeking regularization of his service as Extra Departmental Delivery Agent. The said O.A. was dismissed with the following observations:

> "No rules are shown to us in support of this contention. A provisionally appointed Extra Departmental Delivery Agent is only entitled for placing his name in the waiting list if he had worked for more than 3 years but no right accrues in him for absorption."

3. The learned Counsel for the petitioner now submits that the petitioner's name may be placed in the waiting list since he has worked for more than three years and at this stage he is not interested in seeking regularization of his service.

4. In view of the submission, we dispose of the Writ Petition with a direction that if the petitioner fulfils the conditions for placing him in the waiting list in accordance with the Posts and Telegraphs Extra-Departmental Agents (Conduct and Service) Rules, 1964, the authorities are directed to consider the same and pass appropriate orders. No order as to costs.

_____

Justice G.Bikshapathy

_____

Justice P.S.Narayana

Date : 30-12-2004

AM

ASSISTANT REGISTRAR

To

1 The Assistant Superintendent of Post Offices, Hyderabad North Sub-

Division, General Post Office, Abids, Hyderabad

2 The Senior Supdt. of Post Offices, Hyderabad City Division, GPO Abids, Hyderabad

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